

Passengers claims in air transport under the Regulation (EC) of the European Parliament and of the Council No. 261/2004

Abstract

The subject of this diploma thesis is the claims of air passengers, especially those arising from Regulation (EC) 261/2004 of the European Parliament and of the Council, but also according to other regulations of private international law. The thesis is divided into four parts, which, with regard to the nature of the topic, combine both theoretical and practical aspects.

The first part provides an introduction to the issue by setting it in the historical context of civil aviation regulations and then discusses important documents in the field of air passenger rights. In particular, it compares these documents with each other and provides the reader with a practical overview of these documents.

The second part deals with the Regulation (EC) 261/2004 of the European Parliament and of the Council, which is the central legal regulation of this work. First, the author describes the context and process of adoption of the Regulation and then deals with the individual parts, while supplementing the theoretical interpretation with numerous references to the case law of the Court of Justice of the European Union. Subsequently, the circumstances of the ongoing amendment of the Regulation are summarized and then the author presents his thoughts on possible changes.

The third part focuses on the procedural aspects of the enforcement of claims arising from the Regulation, while the author describes the various options for enforcement with emphasis on the practical side of the matter. These options are not described individually, but the author compares the possible alternatives and provides the most suitable solution for the average traveler.

In the fourth part of the thesis, the decision practice on the claims arising from the Regulation is presented on real examples. Seemingly unrelated topics are connected by obvious contradictions in decision-making practice, which the author subjects to critical examination.

At the end of the diploma thesis, the author summarizes the findings and provides answers to the questions asked in the introduction and considers possible ways of solving problems and the future of the Regulation itself.